

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

On October 11, 2011, the defendant filed pro se a Notice of Intent, which was construed as a motion for reduction of his sentence based on 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u). (ECF filing 85). On October 26, 2011, (ECF entry 86), a Text Order was entered pursuant to General Order No. 2011-12, appointing the Federal Public Defender for the District of Nebraska to “handle all pending or impending cases involving the retroactive effect of the United States Sentencing Guidelines proposed permanent amendment that implements the Fair Sentencing Act of 2010.” On December 1, 2011, Jeffrey L. Thomas entered his appearance as Assistant Federal Public Defender (ECF filing 87) and a Motion to Withdraw, (ECF filing 88).

In the Motion to Withdraw counsel states that “upon further study, it is apparent that application of the retroactive guideline does not result in any change in the applicable guideline range. As such, it appears that the Defendant is ineligible for relief. . . . Counsel of the office of the Federal Public Defender for the District of Nebraska move that the court allow withdrawal from further representation.”

IT IS ORDERED that:

1. the Motion to Withdraw, ECF filing 88, is granted, and
2. the clerk shall provide a copy of this order as well as the Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2), dated this date to the defendant and to Mike Norton, Supervisory United States Probation Officer.

Dated December 6, 2011.

BY THE COURT

s/ Warren K. Urbom  
United States Senior District Judge